



INTERIOR BOARD OF INDIAN APPEALS

Victor R. Palmer v. Acting Southern Plains Regional Director, Bureau of Indian Affairs

43 IBIA 268 (09/27/2006)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
SUITE 300
ARLINGTON, VA 22203

VICTOR R. PALMER,	:	Order Dismissing Appeal
Appellant,	:	
	:	
v.	:	
	:	Docket No. IBIA 05-34-A
ACTING SOUTHERN PLAINS	:	
REGIONAL DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee.	:	September 27, 2006

Appellant Victor R. Palmer seeks review of a November 15, 2004 decision of the Acting Southern Plains Regional Director, Bureau of Indian Affairs, rejecting Appellant's allegations that the lessee for property co-owned by Appellant was in violation of the lease. Appellant is one of the four landowners of Kiowa Allotment No. 796, Poaunt, Allottee, Caddo County, Oklahoma. 1/ The lease at issue is Farming and Grazing Lease No. 48459, which was for a three-year term, from January 1, 2003 to December 31, 2005.

On August 18, 2006, the Board of Indian Appeals (Board) ordered Appellant to show cause on or before September 8, 2006 why this appeal is not moot. The Board noted that, in his notice of appeal, Appellant asserted that BIA failed to enforce provisions of Lease No. 48459 and that various alleged lease violations are "grounds for cancelling the lease." Notice of Appeal at 1. The Board stated that, because the lease apparently had expired by its own terms on December 31, 2005, "it appears that Appellant's request to have lease terms enforced or the lease cancelled may be moot because a Board decision would be of no actual effect." Aug. 18, 2006 Order to Show Cause on Possible Mootness at 2. The Board advised Appellant that failure to file a brief in response to the order may result in dismissal of the appeal without further notice.

The Board has received no response from Appellant.

1/ The land is more particularly described as the SW $\frac{1}{4}$ of Sec. 3, T. 6 N., R. 13 W., Indian Meridian, Caddo County, Oklahoma, containing 160.00 acres, more or less.

Based on the apparent expiration of Lease No. 48459 and Appellant's failure to respond to the Board's show cause order, the Board finds that this appeal is moot. 2/

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board dismisses this appeal.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Charles E. Breece
Acting Administrative Judge

2/ Although Appellant did not file a response, the lessee did respond, indicating that he holds a new lease for the property. The other landowners also responded that they wished to continue leasing the property to the same lessee. None of these responses, however, was served on Appellant or other interested parties, and therefore this dismissal relies solely on the stated term of Lease No. 48459 and Appellant's failure to respond to the Board's show cause order.